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**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CO-120-2009-0007-EA

PROJECT NAME: Tointon Wells

LEGAL DESCRIPTION: Stolns well- T. 8 N., R. 80 W., Sec 3
North well- T. 8 N., R. 80 W., Sec 2
Powerline well- T.8 N., R. 81 W., Sec 12

APPLICANT: BLM

PURPOSE AND NEED FOR THE ACTION: The purpose of the water well projects is to provide for more reliable water sources in allotments # 07045, #07044 and #07046. If approved, the projects would help improve the over-all land health condition of the allotment.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Background/Introduction/Issues and Concerns:

Through working with Tointon Ranches on livestock grazing issues, it has been determined that more permanent water sources are needed on their permitted BLM allotments. Currently, Tointon Ranches haul water for livestock to improve livestock distribution and to provide adequate water for their livestock. This has become cost prohibitive and time consuming for the permittee.

Proposed Action:

In 2007, Tointon Ranches and the BLM identified three areas for potential wells. The proposed project would drill new wells (Stolns Well, North Well and Powerline Well) in allotments # 07044, #07046 and #07045 respectively. If approved, the Stolns Brothers (contractor from Saratoga, WY) would drill the new wells, install the well casings, and complete all necessary documentation to be provided to the State of Colorado and BLM. The wells would be drilled during the 2009 field season.

If the wells are drilled, Tointon ranches would set up the wells with a solar pump and panel or windmill. New tanks would be placed next to the wells and would include wildlife ramps to provide escape routes for small mammals and birds that may access the tank for water. Stolns

Well would also include a pipeline to additional tanks in allotment #07084. The pipeline and tanks would be developed after well completion (See map). The pipeline project would be completed by the BLM Engineering Zone crew at a later date. All tanks would be anchored and protected by a wood post and rail structure. Following installations, all disturbed areas would be leveled and seeded with a mixture of native and introduced grass and forb species.

The Powerline Well would water about 250 cattle for 10 days.

The North Well would water about 150 cattle for 15 days.

The Stolins Well would water about 250 cattle for 32 days, + 5 days in the pasture North of the well.

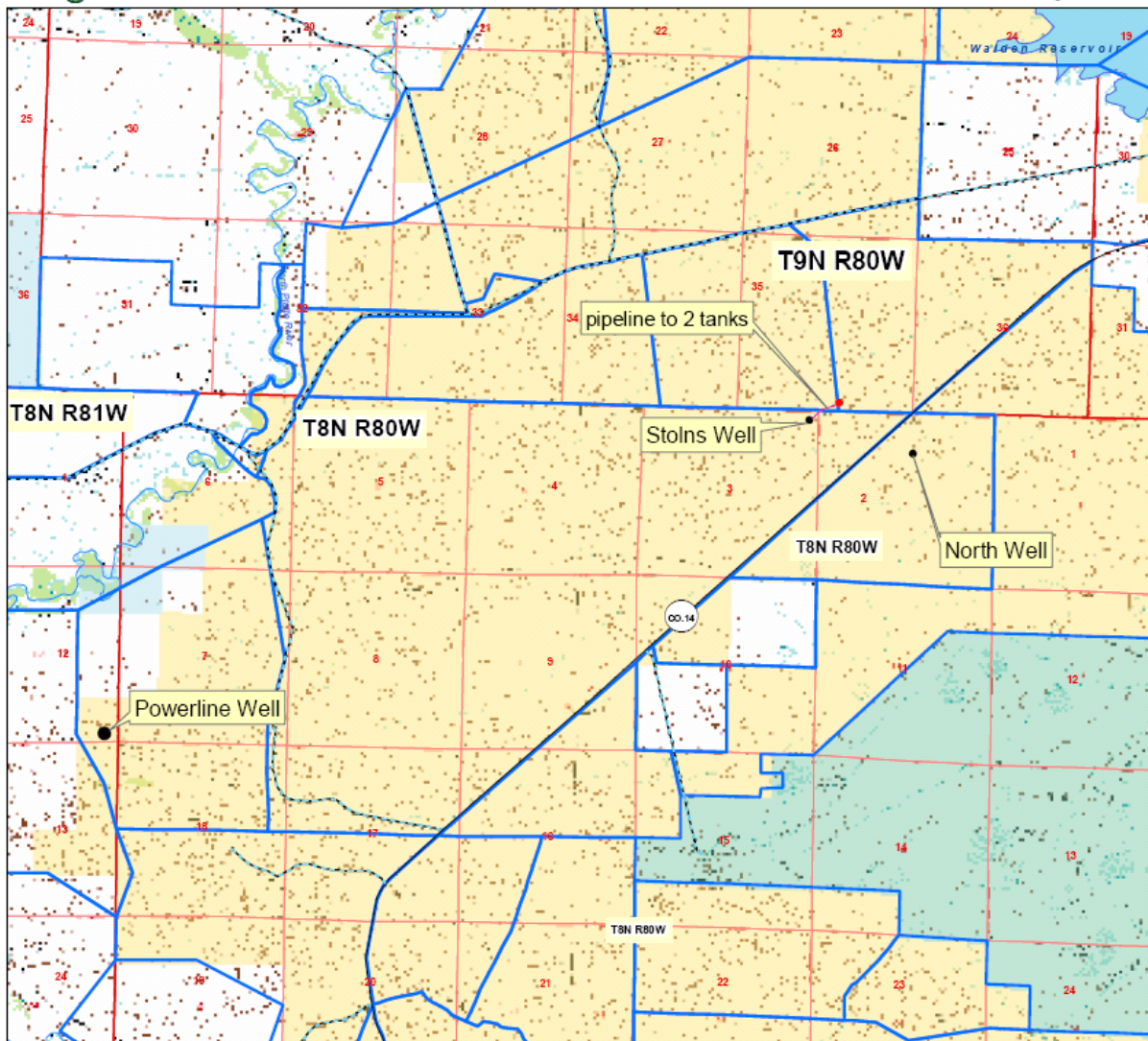
No new roads would need to be created to drill the wells. Access roads would be used by the BLM and permittee for maintenance after the projects are completed.

Design Features of the Proposed Action:

- The BLM would monitor the project areas for establishment of invasive, non-native species.



North Well Stolns Well Powerline Well



Legend	
	County Roads
	Major Roads
	allotment_np polygon
	Reservoirs
	Major Streams
Land Status	
	Bureau of Land Mgt
	Division of Wildlife
	National Park
	National Rec Area
	National Wildlife Refuge
	Private
	State
	State Forest
	US Forest Service

0 0.25 0.5 1 Miles

1:51,955

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Walden
BLM, Kremmling FO 11/2007

No Action Alternative: The No Action Alternative would be to deny this proposal. No water wells would be drilled. The lack of water would continue to be a problem for livestock and the distribution problem would continue.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock Grazing, pages 6 through 8, as revised.

Decision Language: Investing in cost-effective range improvements (primarily through public investment) to implement grazing systems and meet the specific objectives of AMP's.

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

INVASIVE, NON-NATIVE SPECIES

Affected Environment: Past actions such as livestock grazing, motorized travel, recreation, etc. that have caused disturbance of vegetation and soil have contributed to the invasion and spread of invasive, non-native species (noxious weeds). There are no known invasive, non-native species (noxious weeds) growing within the allotments. If present, species would be located along roadways, and in high-use areas, such as livestock watering areas. Soil or vegetation disturbing activities provide an avenue for the establishment and expansion of invasive, non-native species. The BLM monitors these known areas to control the spread of these species.

Environmental Consequences: Any type of soil or vegetation disturbance in an area where non-native, invasive species are established promotes their expansion. During the drilling of the wells there is would be limited ground disturbance. Once the drilling is completed seeding of bare areas would occur. Under the No Action alternative, there would be no soil disturbance which would reduce the chance of invasion or spread of non-native species.

Mitigation: None

MIGRATORY BIRDS

Affected Environment: The proposed wells would be located in a sagebrush habitat type. Important migratory birds expected to inhabit the project sites include horned larks, red-tail hawks, sage thrashers, common nighthawks, green-tailed towhees, and western bluebirds.

Environmental Consequences/Mitigation: The proposed well developments would improve livestock grazing distribution and management in allotments #07044, #07046 and #07045. Better livestock management would result in more suitable habitat for the species listed above. Grass and forb cover would increase thereby providing additional food, cover, and nest material for migratory birds. The proposed well developments would also provide an additional water source for birds and their prey base.

The No Action Alternative would not result in improved grazing distribution. Grass productivity would remain as it currently exists and cover for ground nesting birds would not increase. No additional water for migratory birds would be available in the pastures as a result of this alternative.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes a finding on Standard 4)

Affected Environment: A list of threatened, endangered, and candidate species which could inhabit the proposed project area was received from the U.S. Fish and Wildlife Service (USFWS) January 12, 2009. Analysis of this list indicated that no listed species would be directly impacted by the proposed project.

The Proposed Action is located within the North Platte River basin, which is tributary to the Platte River System. The USFWS has determined that any water depletion within the Platte River jeopardizes the continued existence of one or more federally-listed threatened or endangered species and adversely modifies or destroys designated and proposed critical habitat. Depletions may affect and are likely to adversely affect the whooping crane, the interior least tern, the piping plover, the western prairie fringed orchid, and the pallid sturgeon in the central and lower Platte River.

Greater sage-grouse, a BLM designated Sensitive Species, are common in the proposed project area. Sage-grouse are yearlong residents of the area with most use occurring in summer for nesting and brood rearing. One active breeding area, or lek, is located in the center of allotment #07044.

Environmental Consequences: Livestock use for the Powerline and North Wells was less than 0.1 AF/yr each, and will not require consultation. The estimated livestock use for the Stolns Well and pipeline would result in an estimated depletion of 0.42 acre-feet-per-year. A programmatic biological opinion was completed on June 16, 2006, that covers new depletions, but the exact reasonable and prudent alternatives for federal depletions from agriculture-related projects is still being determined. On February 2, 2009, the BLM was notified that the State of Colorado and the South Platte Water Related Activities Program, Inc. ("SPWRAP") extended temporary coverage for up to 25 acre-feet of new BLM depletions in Jackson County, for water developments that are incidental to agricultural activities through December 1, 2009. The BLM has submitted a request for consultation and will comply with any of the reasonable and prudent alternatives. If a Memorandum of Agreement between the USFWS, the State of Colorado, and SPWRAP for new federal water-related activities is not finalized by December 1, 2009, then the consultation may be re-opened and the BLM would comply with any new requirements.

Implementation of the Proposed Action would be more beneficial to sage-grouse since the additional water sources would improve livestock distribution in the allotments. This action would allow grass and forb productivity to increase and thereby provide better ground cover for sage-grouse. The proposed well developments would also provide an additional water source for birds and their prey base. The No Action Alternative would not improve habitat for sage-grouse and current conditions would remain.

Mitigation: None

VEGETATION (includes a finding on Standard 3)

Affected Environment: The proposed action would drill three new livestock water wells in BLM grazing allotments #07044, #07046 and #07045. The vegetation found at the well sites are a mixture of sagebrush with an understory of grasses and forbs. Access will follow existing roads and will only require limited off road vegetation disturbance.

Environmental Consequences: Under the proposed action, three new wells would be drilled to improve livestock distribution within the grazing allotments. The new wells would eliminate the vegetation in a small area during the drilling of the wells and the installation of water troughs and when livestock are watering around the troughs. The new water sources would improve the vegetation in the allotment by improving livestock distribution. Better

livestock distribution will prevent livestock from congregating around the existing livestock watering areas and overgrazing an area within an allotment. Under the no action alternative the wells would not be drilled and the livestock distribution would continue to limit vegetative productivity because of livestock congregation around the watering holes.

Mitigation: None

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): Allotments # 07044, #07046 and #07045 were assessed for standards in 2005. All allotments were meeting the standard at that time.

WILDLIFE, TERRESTRIAL (includes a finding on Standard 3)

Affected Environment: The proposed project area provides habitat for a variety of species including mule deer, Rocky Mountain elk, moose, pronghorn, and a variety of small mammals. Deer, elk, and pronghorn use the area yearlong with most use occurring in the winter. Coyotes, badgers, white-tail prairie dogs, and several other species of rodents are yearlong residents of the proposed project area.

Environmental Consequences/Mitigation: The proposed well developments would provide additional water sources for big game and small mammals during the summer season as well as improve livestock distribution during the grazing season. The change in livestock distribution would improve forage conditions and provide additional food and cover vegetation for wildlife using the allotments. The proposed project would not conflict with terrestrial wildlife since habitat disturbance would be minimal. All vegetative disturbances associated with the project would be reclaimed. Harassment or disturbance of wildlife would also be minimal since drilling activities would be short term, in an isolated area, and not likely to occur during periods of animal concentration.

The No Action Alternative would not improve livestock grazing distribution and would not provide additional water sources for wildlife. If the No Action Alternative was implemented, there would not be any additional forage for wildlife in allotments #07044, #07046 and #07045.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Aquatic): Allotments #07044, #07046 and #07045 would continue to meet this standard with implementation of either the Proposed Action or the No Action Alternative. However, implementation of the Proposed Action would improve the allotments for wildlife while the No Action Alternative would not provide additional forage and cover vegetation since poor livestock distribution would continue. Allotments #07044, #07046 and #07045 were assessed for standards in 2005 and were determined to be meeting Standard 3.

RANGE MANAGEMENT:

Affected Environment: The proposed project would drill new wells (Stolns well, North well and Powerline well) in allotments # 07044, #07046 and #07045 respectively. Livestock use would be occurring in the summer months for 32, 15 and 10 days respectively. In addition, water would be piped from Stolins well to allotment #07084 for about 5 more days. Currently the livestock operator is hauling water within these allotments due to limited water.

Environmental Consequences: Implementation of the Proposed Action would create a source of water for livestock and wildlife in an area where there is a shortage of water. These new wells would increase livestock grazing use in these new areas. This would improve livestock distribution and create more even grazing throughout the allotment and better utilization of the vegetation resource.

Implementation of the No Action Alternative would not improve livestock distribution and thus would not benefit the vegetation and wildlife in the allotment. The permittee would continue to haul water within the allotments.

CUMULATIVE IMPACTS SUMMARY: The geographic scope for the cumulative impact analysis is Jackson County. Livestock range improvements, specifically livestock water wells have been occurring for over 30 years. These wells have occurred on private, federal and state lands.

In regards to past actions regarding livestock water wells, most of the wells were drilled in areas that had no surface water. These areas usually are on federal lands. The wells are drilled to improve livestock distribution, improve wildlife habitat and provide additional sources of water for wildlife and livestock.

In regards to present and future actions, there is a need to continue to find water on BLM lands to help improve the rangelands. This improvement will help wildlife species, vegetation, soils and water quality. On average, the Kremmling Field Office proposes drilling 1-2 wells a year on BLM administered lands for livestock and wildlife. These types of projects are anticipated to continue due to the shortage of water and the need to improve rangelands.

PERSONS / AGENCIES CONSULTED: The proposed project was listed on the Kremmling Field Office internet NEPA register and NEPA public room board. No comments were received from the public. Tointon Ranches was also contacted. See Appendix 2 for Tribal List.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

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Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

DECISION RECORD

DECISION: It is my decision to authorize the Proposed Action as described in the attached EA. This decision is contingent on meeting all mitigation measures and monitoring requirements listed below.

RATIONALE: The proposed action was chosen because the Tointon Wells will improve livestock distribution in the allotment and thus will improve vegetation and provide water sources that benefit wildlife, including Greater sagegrouse.

MITIGATION MEASURES: None

COMPLIANCE/MONITORING:

Archaeology/Paleontology

- Staff archaeologist will spot monitor the North Well during and post construction to determine if additional protection of the fossil resources is warranted and/or research is needed.

Vegetation:

- Periodic monitoring of the vegetation will be required following project construction to ensure the seeded vegetation becomes established. If the seeding fails, reseeding will be required with the same or an alternative seed mix. Once an adequate stand of the intended vegetation is established, monitoring will no longer be required. The BLM will be responsible for the re-seeding and monitoring.

NAME OF PREPARER: Peter Torma

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

DATE: 3/10/09

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Peter McFadden

DATE SIGNED: 3/31/09

ATTACHMENTS: None

APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist

Appendix 2 – Native American Tribes Consulted

Appendix 1

INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:

Project Title: Tointon Wells

Project Leader: Peter Torma

Date Proposal Received: (Only for external proposals)

Date Submitted for Comment: 12/2/08

Due Date for Comments: 3/1/09

Need for a field Exam: (If so, schedule a date/time)

Scoping Needs/Interested or Affected Publics: (Identify public scoping needs)

Consultation/Permit Requirements:

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	2/202/09	3/7/2009	BBW	Report #CR-09-17. The proposed action is a “no effect,” there are no historic properties that would affected.
Native American	2/23/2009	3/23/09		To date no Native American Tribe has identified any areas of spiritual concern.
T&E Species/FWS	N/A 2/2/2009	N/A Pending	MM PB	The BLM received notice of temporary depletion coverage. The BLM requested consultation in March, 2009, and will comply with any requirements.
Permits Needed (i.e. Air or Water)	1/7/09		PB	The state issued well permits on 2/11/2009. The permits will expire on 2/11/2009.

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(PI) = Potentially Impacted and Brought Forward for Analysis.

NP NI PI	Discipline/Name	Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
CRITICAL ELEMENTS				
NI	Air Quality Belcher	2/5/09	PB	The Proposed Action does not affect air quality.
NP	Areas of Critical Environmental Concern Cassel	3/10/09	SC	There are no Areas of Critical Environmental Concern in the proximity of the proposed project area.
NP	Cultural Resources Wyatt	1/15/09	BBW	The proposed action is a “no effect,” there are no historic properties that would affected.
NP	Environmental Justice Cassel	3/10/09	SC	According to the most recent Census Bureau statistics (2000), there are no minority or low income communities within the Kremmling Planning Area.
NP	Farmlands, Prime and Unique Belcher	2/5/09	PB	There are no farmlands, prime or unique, in the proximity of the proposed project area.
NP	Floodplains Belcher	2/5/09	PB	The projects are located in the uplands and do

				not affect a floodplain.
NP	Invasive, Non-native Species Johnson Torma Scott	1-12-09	MS	See Analysis.
PI	Migratory Birds McGuire	2/27/09	MM	See Analysis
	Native American Religious Concerns Wyatt	2/23/2009		To date no Native American Tribe has identified any areas of spiritual concern.
PI	T/E, and Sensitive Species (Finding on Standard 4) McGuire	2/27/09	MM	See Analysis
NP	Wastes, Hazardous and Solid Hodgson	1/7/09	KH	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
NI	Water Quality, Surface and Ground (Finding on Standard 5) Belcher	3/4/09	PB	Development of upland water sources to improve livestock distribution is a BMP to reduce non-point source pollution. The well driller is a state-licensed driller, and following state regulations will protect ground water quality. The No Action Alternative does not alter current conditions, which meet the standard.
NI	Wetlands & Riparian Zones (Finding on Standard 2) Belcher	3/4/09	PB	The wells are in upland sites and do not directly affect wetlands or riparian zones. The allotments meet the Standard, but the Proposed Action would improve livestock distribution, indirectly benefitting the wetlands. No Action Alternative would continue the current conditions.
NP	Wild and Scenic Rivers Windsor	1/8/09	AW	There are no eligible Wild and Scenic River segments in the proposed project area.
NP	Wilderness Windsor	1/8/09	AW	There is no designated Wilderness or Wilderness Study Areas in the proximity of the proposed project area.
NON-CRITICAL ELEMENTS (A finding must be made for these elements)				
NI	Soils (Finding on Standard 1) Belcher	3/4/09	PB	The drilling operations and tank set-up impact a small area of soils, that do not affect the ability of the allotment to meet the Standard. Once operating, the improved distribution will maintain or improve soil health on a landscape scale. The No Action Alternative would continue current conditions.
PI	Vegetation (Finding on Standard 3) Johnson Torma Scott	1/26/09	PT	See analysis
NP	Wildlife, Aquatic (Finding on Standard 3) McGuire	2/27/09	MM	No aquatic wildlife present in the project area.
PI	Wildlife, Terrestrial (Finding on Standard 3) McGuire	2/27/09	MM	See Analysis
OTHER NON-CRITICAL ELEMENTS				
NI	Access/Transportation Monkouski	3/2/09	JJM	No change in access would occur under the proposed action. A short term impact to access would occur during the pipeline construction for the Stolns well. The pipeline would be buried across the existing route which would prevent access along the route for less than a day. Alternative routes accessing the area are

				in close proximity to project area that would provide alternative public access.
NP	Forest Management K. Belcher	1/22/09	KB	No forest resources present
NI	Geology and Minerals Hodgson	1/7/09	KH	No impacts.
NI	Fire Wyatt	1/15/09	BBW	No impacts.
NI	Hydrology/Water Rights Belcher	3/4/09	PB	The wells will be constructed according to state regulations, so there are no hydrologic concerns. The wells are permitted by the state for livestock water and will not impact any existing rights. The No Action Alternative would continue current conditions.
NI PI	Paleontology Rupp	3/06/2009	FGR	NI for the Stolns and Powerline Wells. PI for the North Well. Well drilling will cause minimal to no impact to the fossil resources present within the APE. Secondary impacts from livestock concentrating in the APE has the potential to damage or destroy fossils. Staff archaeologist will spot monitor the North Well during and post construction to determine if additional protection is warranted and/or research is needed. Standard “discovery” stipulations.
NI	Noise Monkouski	3/2/09	JJM	Short Term minor noise disturbance during the time of well development and pipeline construction.
PI	Range Management Johnson Torma Scott	1/26/09	PT	See analysis
NI	Lands/ Realty Authorizations Cassel	12/12/08	SC	There are no leases or permits in the location of any of the wells. There are no ROWs in the location of the Stolns or North wells. There are two ROWs COC-22720 and COC-12349 both issued to WAPA for a transmission line. These ROWs will not be affected by the proposed action or the no action alternative.
NI	Recreation Monkouski	3/2/09	JJM	Under the proposed action no impacts would occur to recreational opportunities that include hunting, hiking, camping and watching wildlife.
NP	Socio-Economics Cassel	3/10/09	SC	There would be no socio economic impact with the proposed action.
NI	Visual Resources Windsor	1/8/09	AW	The proposed well development is within VRM Class III. The level of change to the landscape would be low. The well and pipeline developments could attract the attention of the casual view, but would not dominate the landscape. The proposed action would be consistent with VRM Class III management. Visual resources would not be impacted under the no action alternative.
NI	Cumulative Impact Summary J. Stout	3/10/09	SC	See analysis
FINAL REVIEW				
	P&E Coordinator J. Stout	3/10/09	SC	

Appendix 2

NATIVE AMERICAN TRIBES CONTACTED:

Colorado Commissioner of Indian Affairs
Attn: Ernest House Jr., Exec. Sec.
130 State Capitol
Denver, Colorado 80203

Richard Brannen Sr., No. Arapaho Business Council
Northern Arapaho Business Council
P O Box 396
Fort Washakie, Wyoming 82514

Robert Goggles, NAGPRA Rep.
Northern Arapaho Business Council
328 17 Mile Road
Arapaho, Wyoming 82510

Jo Ann White, THPO Director
Northern Arapaho Tribe
P O Box 396
Fort Washakie, Wyoming 82514

Mr. Norman Tidzump, Hist. Preserv. Officer
Shoshone Tribe
P O Box 1008
Fort Washakie, Wyoming 82514

Ivan Posey, Shoshone Business Council
Shoshone Tribe
P O Box 538
Fort Washakie, Wyoming 82514

Clement Frost, Chairman
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